

# HOUSE BILL 128

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CF SB 75

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By: **Delegates Jameson, Anderson, Arora, Bobo, Bohanan, Braveboy, Cardin, Carr, Eckardt, Frush, Gaines, Gutierrez, Howard, James, Kach, Kaiser, K. Kelly, Krebs, Luedtke, McConkey, Minnick, Murphy, Pena-Melnyk, B. Robinson, Sophocleus, Valderrama, Vaughn, Waldstreicher, Washington, Wilson, and Wood**

Introduced and read first time: January 24, 2011

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commercial Law – Maryland Consumer Protection Act – Scope**

3 FOR the purpose of expanding the scope of the Maryland Consumer Protection Act by  
4 altering the definition of “consumer” to include an individual who sells or offers  
5 for sale to a merchant certain consumer goods,~~consumer services,~~ or consumer  
6 realty and the definition of “merchant” to include a person who directly or  
7 indirectly purchases or offers to purchase any consumer goods or consumer  
8 realty and whose business includes paying off consumer debt in connection with  
9 the purchase of consumer goods or consumer realty; prohibiting a person from  
10 engaging in a certain unfair or deceptive trade practice in the purchase or offer  
11 for purchase by a certain merchant of consumer goods,~~consumer services,~~ or  
12 consumer realty; and generally relating to the Maryland Consumer Protection  
13 Act.

14 BY repealing and reenacting, without amendments,  
15 Article – Commercial Law  
16 Section 13–101(a)  
17 Annotated Code of Maryland  
18 (2005 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Commercial Law  
 2 Section 13–101(c) and (g) and 13–303  
 3 Annotated Code of Maryland  
 4 (2005 Replacement Volume and 2010 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Commercial Law**

8 13–101.

9 (a) In this title the following words have the meanings indicated.

10 (c) (1) “Consumer” means an actual or prospective purchaser, lessee, or  
 11 recipient of consumer goods, consumer services, consumer realty, or consumer credit.

12 (2) “Consumer” includes:

13 (i) A co-obligor or surety for a consumer; [or]

14 (ii) A licensee or recipient of computer information or computer  
 15 programs under a consumer contract as defined in § 22–102 of this article; **OR**

16 **(III) AN INDIVIDUAL WHO SELLS OR OFFERS FOR SALE TO A**  
 17 **MERCHANT CONSUMER GOODS, ~~CONSUMER SERVICES,~~ OR CONSUMER REALTY**  
 18 **THAT THE INDIVIDUAL ACQUIRED PRIMARILY FOR PERSONAL, HOUSEHOLD,**  
 19 **FAMILY, OR AGRICULTURAL PURPOSES.**

20 (g) **(1)** “Merchant” means a person who directly or indirectly either offers  
 21 or makes available to consumers any consumer goods, consumer services, consumer  
 22 realty, or consumer credit.

23 **(2) “MERCHANT” INCLUDES A PERSON:**

24 **(I) WHO DIRECTLY OR INDIRECTLY PURCHASES OR OFFERS**  
 25 **TO PURCHASE ANY CONSUMER GOODS OR CONSUMER REALTY FROM A**  
 26 **CONSUMER; AND**

27 **(II) WHOSE BUSINESS INCLUDES PAYING OFF CONSUMER**  
 28 **DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOODS OR**  
 29 **CONSUMER REALTY FROM A CONSUMER.**

30 13–303.

1 A person may not engage in any unfair or deceptive trade practice, as defined in  
2 this subtitle or as further defined by the Division, in:

3 (1) The sale, lease, rental, loan, or bailment of any consumer goods,  
4 consumer realty, or consumer services;

5 (2) The offer for sale, lease, rental, loan, or bailment of consumer  
6 goods, consumer realty, or consumer services;

7 (3) The extension of consumer credit; [or]

8 (4) The collection of consumer debts; OR

9 (5) **THE PURCHASE OR OFFER FOR PURCHASE ~~BY A MERCHANT~~**  
10 **OF CONSUMER ~~GOODS, GOODS OR CONSUMER REALTY, OR CONSUMER SERVICES~~**  
11 **FROM A CONSUMER BY A MERCHANT WHOSE BUSINESS INCLUDES PAYING OFF**  
12 **CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER**  
13 **GOODS OR CONSUMER REALTY FROM A CONSUMER.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.